

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-12 are pending in the application. Claims 1-12 have been amended. New claims 13-20 have been added. The amendment is fully supported by the original disclosure. No new matter has been introduced. The above amendment were, in many instances, made to clarify Assignee's claims and do not narrow the scope of the amended claims. Furthermore, in many instances, the above amendments broaden the literal scope of claims and/or claim elements. In light of this, Assignee asserts that no prosecution history estoppel should result from the above amendments.

Claim objections

The Examiner has objected to the claim language in claims 1 and 7 reciting "reading image information from a calibration plate having a plurality of pixels" as being unclear.

In response, Assignee has amended claims 1 and 7.

Claim rejections - 35 USC §102(b)

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Selby (U.S. Patent 5,404,232). These rejections are respectfully traversed.

It is noted that the Examiner can establish anticipation only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131.01. It is asserted that the Examiner has not established that Selby meets this requirement.

Assignee respectfully submits the Examiner has not established that Selby discloses all of the elements of independent claim 1. For example, Examiner has not established that Selby discloses "*computing respective differences between adjacent sensing values; storing said base value and said respective differences*". In the present Office Action, the Examiner cites to column 6, lines 36-39 of Selby as disclosing "computing respective differences between said adjacent sensing values". See page 3 of the Office Action. Column 6, lines 36-39 of Selby read as follows:

Once the revised averages of reactivities for the white test strip and the black test strip are obtained through the method of the present invention, these revised averages are then "fed in" to the correction algorithms for adjusting offset (i.e. adding or subtracting an offset related to the revised average reactivity of the black test strip) or gain (i.e. multiplying an actual output from the photosensor by a correction factor related to the revised average reactivity of the white test strip), much in the manner of the straightforward calibration system of the prior art.

Clearly, contrary to the Examiner's assertion, the above paragraph of Selby does not teach or disclose "*computing respective differences between adjacent sensing values*" as recited in independent claims 1 or means therefor as recited in independent claim 13.

Additionally, the Examiner cites to column 3, line 52 as well as column 6, lines 51-52 of Selby as disclosing "storing said base value and said respective differences". See page 3 of the Office Action. Column 3, line 52 as well as column 6, lines 51-52 of Selby respectively read as follows:

Image processing system 22 is generally in the form of a computer capable of converting the voltage outputs to a stream of digital gray-scale levels, and performing various arithmetic functions on these gray-scale levels.

One expedient variation to this system is simply to scan the test strips a single time, and then store the reactivity values in a temporary memory for obtaining the revised averages, instead of re-scanning.

Clearly, contrary to the Examiner's assertion, the above paragraph of Selby does not teach or disclose "*storing said base value and said respective differences*" as recited in independent claims 1 or means therefor as recited in independent claim 13.

Thus, as discussed above, Assignee submits that the Examiner has not established that any of the functions discussed in Selby at column 6, lines 36-39; column 3, line 52; or column 6, lines 51-52 specifically disclose "*computing respective differences between adjacent sensing values*" or "*storing said base value and said respective differences*" as recited in claim 1. In the absence of the Examiner pointing to such a disclosure in Selby, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Selby discloses the identical invention as is required for anticipation. See MPEP § 2131.

Claims 2-6 and 13-16 are similarly not anticipated, at least on the same or similar basis as claim 1.

Additionally, Assignee respectfully submits the Examiner has not established that Selby discloses all of the elements of independent claim 7. For example, Examiner has not established that Selby discloses "*computing a difference between said base value and each of said sensing values of said calibration plate; storing said base value and said differences*". In the present Office Action, the Examiner cites to column 4, lines 34-35 as well as column 6, lines 45-49 of Selby as disclosing "computing a difference between said base value and each of said sensing values of said calibration plate". See page 5 of the Office Action. Column 4, lines 34-35 as well as column 6, lines 45-49 of Selby respectively read as follows:

Typically, the respective average "white" value (corresponding to the samples taken for each photosensor in the white test strip 30) and average "black" value (corresponding to the sampled regions for each photosensor in the black test strip 32) are merely averaged to obtain predetermined white and black values for the responsivity of the individual photosensor when the individual photosensor is used to scan an image on sheet S.

Although the example shown in FIG. 2 discloses the behavior of a single photosensor in the array 20, it will be apparent to one skilled in the art that the system of the present

invention can be carried out on every single photosensor in the array 20, or on a specific subset of photosensors in the array 20.

Clearly, contrary to the Examiner's assertion, the above paragraph of Selby does not teach or disclose "*computing a difference between said base value and each of said sensing values of said calibration plate*" as recited in independent claims 7 and 17.

Additionally, the Examiner cites to column 3, line 52 as well as column 6, lines 51-52 of Selby as disclosing "storing said base value and said respective differences". See page 5 of the Office Action. Column 3, line 52 as well as column 6, lines 51-52 of Selby respectively read as follows:

Image processing system 22 is generally in the form of a computer capable of converting the voltage outputs to a stream of digital gray-scale levels, and performing various arithmetic functions on these gray-scale levels.

One expedient variation to this system is simply to scan the test strips a single time, and then store the reflectivity values in a temporary memory for obtaining the revised averages, instead of re-scanning.

Clearly, contrary to the Examiner's assertion, the above paragraph of Selby does not teach or disclose "*storing said base value and said differences*" as recited in independent claims 7, and 17.

Thus, Assignee submits that the Examiner has not established that any of the functions discussed in Selby at column 4, lines 34-35; column 6, lines 45-49; column 3, line 52; or column 6, lines 51-52 specifically disclose "*computing a difference between said base value and each of said sensing values of said calibration plate*" or "*storing said base value and said differences*" as recited in claim 7. In the absence of the Examiner pointing to such a disclosure in Selby, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Selby discloses the identical invention as is required for anticipation. See MPEP § 2131.

Claims 8-12 and 17-20 are similarly not anticipated, at least on the same or similar basis as claim 7.

It is noted that claimed subject matter may be patentably distinguished from the cited reference for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

CONCLUSION

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500.

ADDITIONAL FEES

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Respectfully submitted,

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